

REMARKS

Reconsideration and allowance are requested. Claims 1 – 15 are pending.

Objection to Claims 3, 8 and 13

The Examiner objects to these claims asserting that the specification does not support the limitation of removing the requested data from the n-dimensional space at the end of the predetermined period of time. He cites Page 6, lines 11 – 13 of the specification, which state:

A time-out can be specified for clearing the channels so that a subsequent request will trigger a fresh data retrieval thereby providing a configurable window of currency for the retrieved data.

Applicant traverses the Examiner's reading of the specification. The sentence above indicates that the time-out is specified for clearing the channels. This phrase provides support for the limitation in claim 3 of removing the requested data at the end of the predetermined period of time. Then a subsequent request triggers a fresh data retrieval. Applicant submits that this portion of the specification does not require a fresh request to remove or clear the channels. This argument applies to claims 8 and 13 as well.

Applicant has amended claims 3 and 8 as required by the Examiner to make clear the correct antecedent basis. These amendments are not made for patentability and do not narrow the claims' scope.

Rejection of Claims 4, 9 and 14 Under Section 112

The Examiner rejects claims 4, 9 and 14 under Section 112. Applicant has amended these claims to remove the language "parallel parameter space" and insert "channel." The claims now recite providing a channel for error messaging to requestors. Applicant submits that these amendments resolve the Section 112 objections by the Examiner and respectfully submits that these claims now conform to

the requirements of Section 112. These claim amendments do not narrow the scope of the claims but merely recite a similar limitation using the term "channel" in place of "parallel parameter space."

Rejection of Claims 1, 6 and 11 Under Section 102(b)

The Examiner rejects claims 1, 6 and 11 under Section 102(b) as being anticipated by U.S. Patent No. 5,806,085 to Berliner ("Berliner"). Applicant respectfully traverses the Examiner's rejection and submits that for the following reasons, that claims 1, 6 and 11 are patentable.

Regarding claim 1, the Examiner asserts that Berliner teaches each element of the claim. However, as will be explained next, Berliner simply fails to disclose the claimed invention. The Examiner states that the step of determining if the data has been previously requested within a predetermined period of time "corresponds" to the cache check disclosed in column 5 of Berliner. Berliner's invention relates to a cache being placed on a hard disk or a CD-ROM drive. Berliner discusses a process of, when a data request is made, checking the cached CD-ROM drive for the data. If the data is not cached on the CD-ROM drive, then it is retrieved from the network and stored in the CD-ROM cache. Berliner simply makes no reference to any period of time or a predetermined period of time. Applicant respectfully submits that the Examiner is using disclosure completely devoid of a predetermined amount of time with respect to data requests to anticipate a limitation incorporating a predetermined period of time.

Simply put, Berliner simply fails to disclose the limitation of determining if requested data has been previously requested within a predetermined period of time. Since he fails to disclose this limitation, he further fails to disclose the next step of retrieving the requested data from a database if the requested data was not previously

requested within the predetermined period of time. In this regard, the Examiner does not mention the predetermined period of time limitation when asserting that Berliner teaches retrieving the requested data if the data was not previously requested (if a cache miss occurs for the request, the data is loaded from the CD-ROM file). In other words, the Examiner has completely read out of claim 1 a pivotal limitation in rejecting claim 1 in view of Berliner.

Therefore, since Berliner fails to disclose, discuss, or suggest utilizing a predetermined amount of time in its data request and retrieval process in a manner as is recited, claim 1 is patentable and in condition for allowance.

Claim 6 recites a data management system for data retrieval, the system comprises a means for determining if the requested data has been previously requested within a predetermined amount of time. This limitation is further utilized in other elements of claim 6. Therefore, applying the arguments set forth above, Applicant submits that claim 6 is patentable. Claim 11 also includes a limitation related to determining whether requested data has been requested previously within a predetermined amount of time. Accordingly, Applicant asserts that claim 11 is patentable as well.

Rejection of Claims 2, 5, 7, 10, 12 and 15 Under Section 103

The Examiner rejects claims 2, 5, 7, 10, 12 and 15 under section 103 as being unpatentable over Berliner in view of U.S. Patent No. 6,148,300 to Singhal et al. ("Singhal et al."). Incorporating the arguments set forth above, Applicant submits that because Berliner fails to teach every limitation of parent claim 1, that the combination of Berliner and Singhal et al. fail to teach every limitation of claim 2. Therefore, claim 2 is patentable and in condition for allowance.

The Examiner rejects claims 3, 8 and 13 under section 103 as being unpatentable over Berliner in view of U.S. Patent No. 6,449,694 to Bereznyi et al. ("Bereznyi et al."). As to claim 3, Applicant submits that since Berliner fails to teach each element of parent claim 1, dependent claim 3 is patentable over the combination of Berliner and Bereznyi et al. These two references, even if properly combined, fail to teach each limitation of claim 3.

Claim 8 depends from claim 6, addressed above, and recites further limitations therefrom. Since Berliner fails to teach each limitation of parent claim 6, Applicant submits that dependent claim 8 is patentable over the prior art of record and in condition for allowance.

Claim 13 depends from claim 11, addressed above, and recites further limitations therefrom. Since Berliner fails to teach each limitation of parent claim 11, Applicant submits that dependent claim 13 is patentable over the prior art of record and in condition for allowance.


Applicant thanks the Examiner for allowing claims 4, 9 and 14. Applicant has amended the claims to overcome the Section 112 rejection. Since Applicant submits that the parent claims to claims 4, 9 and 14 are allowable, Applicant declines at this time to amend these claims to incorporate the limitations of the base and intervening claims.

CONCLUSION

Having addressed the rejection of claims 1 - 15. Applicant respectfully submits that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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